

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JESSE O. JOHNSON, JR., : **CIVIL ACTION NO. 1:08-CV-2186**

Petitioner

:
: **(Judge Conner)**

v.

:

FRANKLIN J. TENNIS, et al., :

:

Respondents

:

ORDER

AND NOW, this 1st day of April, 2009, upon consideration of petitioner's motion (Doc. 24) to strike respondents' answer (Doc. 17) and motion to dismiss (Doc. 16), wherein petitioner expresses confusion regarding the clarity of the numbered paragraphs in respondents' motion (Doc. 16) to dismiss, and it appearing that respondents' have filed an amended motion (Doc. 26) to dismiss, which rectifies the deficiencies identified by petitioner's motion (Doc. 24) to strike,¹ it is hereby ORDERED that:

1. Petitioner's motion (Doc. 24) to strike is DENIED as moot.
2. Respondents' first motion (Doc. 16) to dismiss is DENIED. The denial does not reflect the court's disposition on the merits of the amended motion (Doc. 26).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ Several numbered paragraphs were omitted from respondents' first motion (Doc. 16) to dismiss. The amended motion (Doc. 26) to dismiss restates the allegations contained in the prior motion, but rectifies the earlier omissions. In this way, the amended motion (Doc. 26) supersedes the first motion.